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8 HAO WU

12 NOV 15 PM 2:46
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: _____

FILED

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

CV12-09798 ATW
Case No.: ..

11 HAO WU,

12 Plaintiff,

13 vs.

14 ACTION FINANCIAL SERVICES,
15 LLC; and DOES 1 through 10,
16 inclusive;

17 Defendant.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

18 **COMPLAINT**

19 **I. INTRODUCTION**

20 1. This is an action for actual and statutory damages brought by Plaintiff, Hao
21 Wu, an individual consumer, against Defendant, Action Financial Services,
22 LLC, for violations of the law, including, but not limited to, violations of the
23 Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter
24 “FDCPA”), which prohibits debt collectors from engaging in abusive,
25 deceptive, and unfair practices.

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II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

III. PARTIES

3. Plaintiff, Hao Wu, is a natural person with a permanent residence in Hacienda Heights, Los Angeles County, California 91745.
4. Upon information and belief, the Defendant, Action Financial Services, LLC, is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 4894 N. Runway Drive, Ste. 103, Central Point, Jackson County, Oregon 97502. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.
5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are

1 primarily for personal, family, or household purposes, whether or not such
2 obligation has been reduced to judgment.

3 7. Within one (1) year preceding the date of this Complaint, Defendant, in
4 connection with the collection of the alleged debt, contacted Plaintiff and
5 threatened to garnish Plaintiff's wages.

6 8. Defendant has no standing to commence garnishment proceedings on behalf
7 of the creditor.

8 9. Defendant is a debt collection company and as a debt collection company
9 attempting to collect an alleged debt, Defendant can only refer the matter
10 back to the creditor with a recommendation that the original creditor attempt
11 legal proceedings which could result in garnishment.

12 10. The representations made to Plaintiff by Defendant regarding garnishment
13 were false.

14 11. Within one (1) year preceding the date of this Complaint, Defendant, in
15 connection with the collection of the alleged debt, contacted Plaintiff and
16 threatened to intercept Plaintiff's tax returns.

17 12. Defendant has no standing to commence tax return intercept proceedings on
18 behalf of the creditor.

19 13. Defendant is a debt collection company, and as a debt collection company,
20 attempting to collect an alleged debt, Defendant can only refer the matter
21 back to the creditor with a recommendation that the original creditor attempt
22 legal proceedings which could result in tax return intercept.

23 14. The representations made to Plaintiff by Defendant regarding tax return
24 intercept were false.
25

1 15.The natural consequences of Defendant's statements and actions were to
2 unjustly condemn and vilify Plaintiff for his non-payment of the debt he
3 allegedly owed.

4 16.The natural consequences of Defendant's statements and actions were to
5 produce an unpleasant and/or hostile situation between Defendant and
6 Plaintiff.

7 17.The natural consequences of Defendant's statements and actions were to
8 cause Plaintiff mental distress.

9 18.Defendant utilized unfair and unconscionable means to collect on Plaintiff's
10 alleged debt, by lying to and misleading Plaintiff.

11 **V. FIRST CLAIM FOR RELIEF**

12 19.Plaintiff repeats and realleges and incorporates by reference to the foregoing
13 paragraphs.

14 20.Defendant violated the FDCPA. Defendant's violations include, but are not
15 limited to, the following:

16 (a) Defendant violated §1692d of the FDCPA by engaging in conduct
17 the natural consequences of which is to harass, oppress, or abuse
18 any person in connection with the collection of an alleged debt;
19 and

20 (b) Defendant violated §1692d(2) of the FDCPA by using obscene or
21 profane language the natural consequences of which is to abuse the
22 hearer or reader in connection with the collection of an alleged
23 debt; and
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1 (c) Defendant violated §1692e of the FDCPA by using a false,
2 deceptive, or misleading representation or means in connection
3 with the collection of the alleged debt; and

4 (d) Defendant violated §1692e(4) of the FDCPA by giving the false
5 representation or implication that nonpayment of the alleged debt
6 will result in the garnishment of wages of any person when such
7 action is unlawful and the Defendant does not intend to take such
8 action; and

9 (e) Defendant violated §1692e(5) of the FDCPA by threatening to take
10 action that the Defendant does not intend to take and/or the
11 Defendant cannot legally take; and

12 (f) Defendant violated §1692e(10) of the FDCPA by using false
13 representation or deceptive means in connection with the collection
14 of the alleged debt; and

15 (g) Defendant violated §1692f of the FDCPA by using unfair or
16 unconscionable means in connection with the collection of an
17 alleged debt.

18 21. Defendant's acts as described above were done intentionally with the
19 purpose of coercing Plaintiff to pay the alleged debt.

20 22. As a result of the foregoing violations of the FDCPA, Defendant is liable to
21 the Plaintiff, Hao Wu, for declaratory judgment that Defendant's conduct
22 violated the FDCPA, actual damages, statutory damages, and costs and
23 attorney fees.
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1 **VI. SECOND CLAIM FOR RELIEF**

2 23.Plaintiff repeats and realleges and incorporates by reference to the foregoing
3 paragraphs.

4 24.Defendant violated the RFDCPA. Defendant's violations include, but are
5 not limited to the following:

6 (a) Defendant violated §1788.17 of the RFDCPA by being a debt
7 collector collecting or attempting to collect a consumer debt that is
8 not compliant with the provisions of Sections 1692b to 1692j of
9 the FDCPA, the references to federal codes in this section referring
10 to those codes as they read as of January 1, 2001.

11 25.Defendant's acts as described above were done intentionally with the
12 purpose of coercing Plaintiff to pay the alleged debt.

13 26.As a result of the foregoing violations of the RFDCPA, Defendant is liable
14 to the Plaintiff for actual damages, statutory damages, and costs and attorney
15 fees.

16
17 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered
18 against Defendant, Action Financial Services, LLC, for the following:

19 A. Declaratory judgment that Defendant's conduct violated the FDCPA and
20 RFDCPA.

21 B. Actual damages.

22 C. Statutory damages.

23 D. Costs and reasonable attorney fees.

24 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be
25 allowed under the law.

1 F. For such other and further relief as the Court may deem just and proper.

2
3 RESPECTFULLY SUBMITTED,

4 DATED:

PRICE LAW GROUP APC

5 November 14, 2012

6 By: 

7 G. Thomas Martin, III
Attorney for Plaintiff

8
9 **DEMAND FOR JURY TRIAL**

10 PLEASE TAKE NOTICE that Plaintiff, HAO WU, demands trial by jury in
11 this action.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

HAO WU,

Plaintiff

v.

ACTION FINANCIAL SERVICES, LLC; and DOES 1
through 10, inclusive;

Defendant

) **CV12-09798** ATW
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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ACTION FINANCIAL SERVICES, LLC
4893 N. Runway Drive, Ste. 103
Central Point, Oregon 97502.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Thomas Martin, III, Esq. (SBN 218456)
PRICE LAW GROUP, APC
15760 Ventura Blvd., Suite 1100
Encino, CA 91436
T: (818) 907-2030; F: (866) 397-2030
tom@plglawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

NOV 15 2012

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

| | | | |
|--|--|--|--|
| I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) HAO WU | | DEFENDANTS ACTION FINANCIAL SERVICES, LLC; and DOES 1 through 10, inclusive; | |
| (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) G. Thomas Martin, III (SBN 218456) PRICE LAW GROUP, APC 15760 Ventura Blvd., Suite 1100, Encino, CA 91436 | | Attorneys (If Known) | |

| | | | | | | | | | | |
|--|---|--|--|--|--------------------------|---|--|---|---|---|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:33%; border: none;"> PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 </td> <td style="width:33%; border: none;"> Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4 </td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"> <input type="checkbox"/> 2 <input type="checkbox"/> 2 </td> <td style="border: none;"> Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 </td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"> <input type="checkbox"/> 3 <input type="checkbox"/> 3 </td> <td style="border: none;"> Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 </td> </tr> </table> | Citizen of This State | PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
| Citizen of This State | PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4 | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5 | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 | | | | | | | | |

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ according to proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Unlawful Debt Collection Practices

VII. NATURE OF SUIT (Place an X in one box only.)

| | | | | | |
|--|--|--|---|--|---|
| OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes | CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
|--|--|--|---|--|---|

CV12-09798

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles | |

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

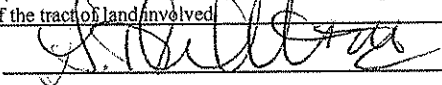
| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| | Oregon |

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles | |

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 11/14/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |